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12/13/2018 5:37 PM
Hidalgo County District Clerks
Reviewed By: Alexis Bonilla

CAUSE NO.: C-4594-18-B

TERESA MARTINEZ MARTINEZ	§	IN THE ____ JUDICIAL DISTRICT
VS.	§	
	§	COURT OF
	§	
WAL-MART STORES TEXAS, L.L.C.	§	HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TERESA MARTINEZ MARTINEZ, hereinafter referred to as Plaintiff, and files this, her Original Petition against WAL-MART STORES TEXAS, L.L.C., hereinafter referred to as Defendant, and for cause of action will show the Court the following:

DISCOVERY CONTROL PLAN - BY RULE (LEVEL 3)

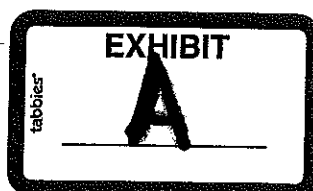
1. Plaintiff intends to conduct discovery under Level 3 as provided by Rule 190 of the Texas Rules of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff is seeking monetary relief from Defendant in an amount that is more \$100,000.00, but less than \$200,000.00, as compensation for her damages.

PARTIES

3. Plaintiff Teresa Martinez Martinez resides in McAllen, Hidalgo County, Texas.
4. Defendant Wal-Mart Stores Texas, L.L.C. is a duly licensed limited liability company that does business in McAllen, Hidalgo County, Texas. Defendant Wal-Mart Stores Texas, L.L.C. may be served with process by serving its registered agent, C.T. Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.



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VENUE AND JURISDICTION

5. The incident described hereinbelow or events giving rise to Plaintiff's claim against Defendant arose in McAllen, Hidalgo County, Texas. Venue for this cause of action therefore lies in Hidalgo County, Texas.

6. The damages that Plaintiff is seeking from Defendant are within the jurisdictional limits of the Court. This Court therefore has jurisdiction of this cause of action.

FACTS/NEGLIGENCE

7. On December 2, 2018, at approximately 4:00 p.m., Plaintiff was shopping in the paint department of Defendant's Wal-Mart store located on Jackson Road in McAllen, Hidalgo County, Texas. Plaintiff was bent over in an aisle looking at cans of paint that were stocked on the shelves in the aisle. An employee of Defendant was pushing a large metal ladder that had wheels attached to it in the aisle. The employee pushed the ladder into Plaintiff, causing her to suffer injuries and damages. The employee who was pushing the ladder was arguing with another individual in the aisle as he pushed the ladder into Plaintiff.

8. At the time of the incident described hereinabove, Defendant's employee who was pushing the ladder was negligent in pushing the ladder into Plaintiff, causing the ladder to make contact with Plaintiff, and/or causing the ladder to hit or collide into Plaintiff, as a person of ordinary prudence would not have done under the same or similar circumstances. This negligence by Defendant's employee was the sole proximate cause or a proximate cause of the incident described hereinabove and Plaintiff's resulting injuries and damages, as described hereinbelow.

DAMAGES

9. As a proximate cause of the negligence of Defendant's employee in causing the incident described hereinabove, Plaintiff suffered injuries, suffered physical pain and mental anguish in the past, will suffer physical pain and mental anguish in the future, suffered

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physical impairment in the past, will suffer physical impairment in the future, suffered physical disfigurement in the past, will suffer physical disfigurement in the future, lost wages in the past, will suffer a loss of earning capacity in the future, incurred medical expenses in the past, and will incur medical expenses in the future. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$100,000.00, but less than \$200,000.00, as compensation for her damages.

VICARIOUS LIABILITY

10. At all time that is material to the incident described hereinabove, Defendant's employee who pushed the ladder into Plaintiff acted within the course, scope, and authority of his employment and/or agency relationship with Defendant. Defendant should therefore be held vicariously liable to Plaintiff for all of Plaintiff's damages alleged herein.

PREJUDGMENT AND POSTJUDGMENT INTEREST

11. Plaintiff further sues Defendant herein for prejudgment interest at the maximum rate allowed by law on those damages where such interest may be assessed and for postjudgment interest at the maximum rate allowed by law on all of Plaintiff's damages from the date of judgment until the judgment is paid in full.

REQUEST FOR JURY AND JURY FEE

12. Plaintiff requests that the above-styled and numbered cause be tried to a jury and represents to the Court that the proper jury fee has been paid to the Clerk of this Court with the filing of Plaintiff's Original Petition.

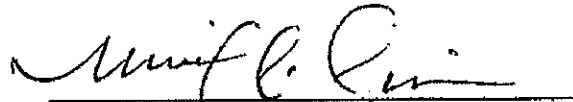
WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing, she have judgment against Defendant for all of her damages hereinabove alleged, for prejudgment and postjudgment interest, and for any and all other relief, both general and special, in law and in equity, and for all costs of Court in his behalf expended.

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Respectfully Submitted,

THE CISNEROS LAW FIRM, L.L.P.
312 Lindberg
McAllen, Texas 78501
Telephone No. (956) 682-1883
Fax No. (956) 682-0132

A handwritten signature in black ink, appearing to read "Michael J. Cisneros", is written over a horizontal line.

MICHAEL J. CISNEROS
State Bar No. 00793509
ARTURO CISNEROS
State Bar No. 00789224
Attorneys for Plaintiff